

FINAL



WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
September 19, 2005

**PRESENT:** LAURA BUONO CHAIRMAN; LEON METHOT, VICE CHAIRMAN; HELEEN KURK, SELECTMAN; DONNA M. OSBORNE, SELECTMAN; JOSEPH M. FIALA, SELECTMAN

**TOWN ADMINISTRATOR:** Gregory C. Begin, Interim

**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** Marc Bergeron, Jackie Shaw, Michael Pelletier, Paul Hague, Kevin Keane, JaNeen Lentsch, Ryan Belanger, Ryan Lentson, Wayne Philibent, Naomi Bolton, Frank Campana, Carl Knapp, Tim Galvin, Terry Knowles, Gene Bilodeau, Richard Butt, Forrest Esenwine, Ginger Esenwine

**6:46 Chairman Laura Buono called the meeting to order.**

**1. PUBLIC PARTICIPATION** – Mr. Mike Pelletier informed the Board that he was hired by Jackie Shaw and Marc Bergeron to build a house on Burnt Hill Road. They submitted a complete application and received a letter stating that the application was denied. The letter stated the application was denied due to an authorized open gravel pit operation and the property was assessed as industrial use. The homeowners are unsure they will get the permit because there are only 2 permits for homeowners left in town and need to have this problem alleviated. The land is being taxed both residential and industrial but it is zoned residential. Vice Chairman Methot stated there was permission given 2 years ago to the previous landowner to remove gravel for incidental use. Vice Chairman Methot said they could authorize the approval.

**Vice Chairman Methot moved, Chairman Buono seconded to authorize the building permit to the Bergeron's for tax map #402-83 on Burnt Hill Road. Passed 5-0-0.**

Mr. Tim Galvin spoke regarding Gove Road. Mr. Galvin used the situation of Gove Road as a platform to address some other situations. He sent each Board member a correspondence for three questions because they have direct impact to ZBA issues. Mr. Galvin stated the Board has to authorize the approval of the building permit on a Class VI road. Mr. Galvin questioned if the town has the authority to transfer the right to a private person to change a Class VI road. Vice Chairman Methot said the resident received a variance from the ZBA. Mr. Galvin questioned if the town has the statutory right to say that a resident can construct or modify a public road. Vice Chairman Methot said that in the past they got an opinion from an attorney regarding work on a Class VI road and any private citizen can do work on a public road as long as they received approval from the Road Agent. Mr. Galvin requested written clarification be given to him to verify this. Mr. Galvin has an issue with the drainage on Gove Road and where the water is going to go. Chairman Buono said it will be under the supervision of the road agent. Mr. Galvin informed the Board all the drainage currently goes into his basement and questions if this will add a new volume of water. Chairman Buono asked if these are new questions since the variance was given. Mr. Galvin wants to make sure that they are set up to manage the new water flow and wants the road to be done before the building permit is issued. Mr. Galvin feels it is reasonable to see that the road is sufficient to handle the weight, traffic, equipment and water flow and wants this all done right. Mr.

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Galvin wants to protect his interest and questions the liability and where the RSA dictates the right for the town to have a private person do the job. Selectman Fiala asked Mr. Galvin what Local Government Center told him. Mr. Galvin responded once the town engages and changes the classification of a Class VI road then the town is responsible for all damages and once the change is made to the road then it no longer has immunity. Vice Chairman Methot said that he would get Mr. Galvin more information. Chairman Buono stated Mr. Knapp is always involved in the process and he will let the BOS know if there are any issues. Mr. Galvin said he spoke with Mr. Knapp regarding the issue. Mr. Galvin wants the Board to authorize the changes of the road before the building permit is issued. Chairman Buono stated this is not the order in which this is typically done and this would not be fair to the person trying to get the permit because he has already done everything he is required to do. Chairman Buono said if they tell him to wait until the road is complete then he might not have a permit left. Mr. Galvin is looking to have the right process followed.

Mr. Knapp said he has full intentions of working with everyone involved. He knows that there are drainage issues. Chairman Buono asked Mr. Knapp if it is a town road. Mr. Knapp said as far as he knows it is a Class VI road.

Chairman Buono asked Mr. Galvin if this question has come up before at a Zoning Board meeting because he does sit on the ZBA. Mr. Galvin said that this situation probed him to look deeper. Chairman Buono stated there is a lot of legal information that has gone back and forth and doesn't want anyone to get the idea that the process has not been handled appropriately. The BOS will look for the legal documentation on the matter.

Mr. Frank Campana commented on a suggestion brought forth by a resident at the last meeting regarding a vehicle for the Code Enforcement Officer. Mr. Campana would like the Board to review the suggestion from the resident to appropriate the funds from the general fund and stated this would not be appropriate. He would like the Board to consider once the Police Department receives their 2 new vehicles, using one of the vehicles that will no longer be used by the Police Department for the Code Enforcement Officer. Mr. Campana would like this to be seriously looked into and feels this might help the problem.

**2. CABLE COMMITTEE** – Mr. Paul Hague stated at their last meeting they reviewed their current state to improve the cable TV studio. The Cable Committee would like to update to equipment that is more reliable, costs less to operate and easier for people to use. Mr. Hague distributed proposals to the Board regarding equipment. The Board stated they would review the documentation and schedule the Cable Committee in at a later time. Selectman Kurk stated she had a call regarding the buzz on the cable channel. Mr. Hague said he will keep working on the problem. The phone number to call if anyone is experiencing cable problems is 529-7527.

**3. DISCUSSION OF GOVE ROAD BREAK IN STONE WALL** – Mr. Kevin Keane informed the Board he had a meeting with the Planning Board previously and is here regarding his driveway permit. Selectman Kurk recused herself because she is an abutter. Vice Chairman Methot stated this came about because of the stone wall and he got the approval to open the wall for private access. Chairman Buono stated this already went through the Planning Board and got approval. Vice Chairman Methot stated it came through the Planning Board and they recommended it but the BOS is the one who needs to give approval. It was discussed there is a shallow section of the stone wall that a contractor drove over causing damage. Mr. Keane stated it is his intention to fix the stone wall to the original condition or better.

Mr. Ryan Belanger of 13 Gove Road owns the house directly below Mr. Keane. He spoke with the Planning Board regarding some concerns and was told to see the BOS on the issue. His issue with the wall was in the original plan and showed the driveway in the center of the land not over to the side. Mr. Belanger stated there was no permit when Mr. Keane opened the wall. Mr. Belanger stated half the drainage from the road goes into

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his driveway. Mr. Belanger is concerned that Mr. Keane will get his permit and complete the house and not complete the road work until the spring and is concerned with the drainage issues. According to the ZBA they want the road to be 20 feet wide. Mr. Belanger said previous work done by the town has caused damage to his property. He feels there needs to be some liability issues and doesn't want to cause problems, but wants to make sure that his concerns are met as well. Vice Chairman Methot stated as far as the ZBA ruling on that it has no bearing, the approval comes from the Road Agent. Mr. Belanger said he was given a package from the ZBA showing the way things would be laid out. Vice Chairman Methot stated Mr. Keane was given a cease and desist because of the stone wall and the driveway location. It was determined that the location of the driveway is the best location. Vice Chairman Methot told Mr. Belanger he should have brought the driveway placement up at the ZBA. Mr. Belanger stated he was given the drawings and assumed they were being honest and now things have been changed. Mr. Belanger says this is an ongoing problem from when drainage was done by the town earlier. Mr. Belanger said that he had to replace his leach field in the past and now it is washing out again. If the road is not improved, then where the driveway is now it will cause more damage. The road is all washed out as it sits now and feels that the road needs to be taken care of before the house gets started. Vice Chairman Methot said it will have to be completed when all the work is done.

Naomi Bolton stated there were 4 conditions placed on that variance. Mr. Belanger is concerned with what portion of the road Mr. Keane needs to fix and assumes that some work will be improved before any building starts. Selectman Osborne asked how much space there is between the driveways. Mr. Belanger stated this drainage problem was not disclosed to him when he purchased the property and he just wants a reasonable solution to this problem. Chairman Buono said they are getting off track and they need to focus on the stone wall. Mr. Belanger said he got clarification of some work being performed before the building permit is issued. Mr. Knapp said the issues need to be dealt with as the work is being performed. Chairman Buono told Mr. Belanger to keep in close contact with Mr. Knapp. Mr. Knapp wanted to clarify a comment made by Mr. Belanger and said that some of the work was performed by the other residents.

Mr. Forrest Esenwine said the ordinance is quite clear that if a stone wall is disturbed then it needs to be repaired or replaced. Mr. Esenwine said this is why Class VI roads should not be issued building permits until they are changed to Class V roads. Mr. Esenwine commented this is another reason why the Planning Board is opposed to piece meal and concerned with proper subdivision planning.

**Vice Chairman Methot moved, Selectman Osborne seconded to authorize the opening of the stone wall as indicated in the pictures and to have the wall completed within 30 days. Passed 4-0-0. Selectman Kurk did not vote.**

**4. PUBLIC WORKS** – Mr. Carl Knapp informed the Board the paving will be complete by the end of the week and they had done a tremendous amount of work out on Shady Hill. Mr. Knapp said he was expecting some salt quotes and hopes to have them approved at the next BOS meeting. Budget increases coming up for next year will be the salt, because of fuel to deliver. Mr. Knapp said he was working with Chief Begin to come up with a solid quote on how many gallons of fuel are used. Chairman Buono asked Mr. Knapp if he had enough used oil to heat the shop. Mr. Knapp responded there was enough and then some and it heats the whole shop. Mr. Knapp asked the Board about combining the wage lines because the guys are back and forth from the highway and transfer station and they share equipment and many items. Selectman Kurk stated Mr. Knapp needs to keep records on which piece of equipment money is spent on but just have one combined line. Vice Chairman Methot said they might have to keep them separated because of MS5. Mr. Knapp said he wants to get his budget in order. Mr. Knapp asked if the well in the center of town is set to go or is it going out to bid. Vice Chairman Methot stated they need to get at least 2 prices. Mr. Knapp reminded the Board they are still in need of a truck driver. Mr. Knapp reminded everyone winter hours will be going into effect soon. The generator at

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the sewer station is bolted down and partially wired. Mr. Knapp said there are a lot of changes at the transfer station, metal pile is cleaned up and now there is a container for it. Selectman Kurk asked if there have been televisions being turned in. Mr. Knapp said they have and the cost to dispose of refrigerants increased and there will be a charge to dispose of microwaves once they have a public hearing. Chairman Buono asked if the guys are still rotating Saturdays. Mr. Knapp said they have it under control with different schedules. Vice Chairman Methot talked about the town well, the school will supply water but the town is responsible for making the connection and asked if the water will be metered to the town. Mr. Knapp said he will attend the school meeting on the September 27<sup>th</sup>. Selectman Fiala questioned budget preparation and heard paving will be going up and asked Mr. Knapp if he plans on changing his projects due to the increase. Mr. Knapp said that they will be reassessing their projects.

**5. DISCUSSION OF GENERAL KNOX ROAD BREAK IN STONE WALL** – Naomi Bolton spoke on behalf of Andrew Ruoff. Mrs. Bolton stated on August 25, 2005, the Planning Board approved this and recommended it to go the BOS. Mr. Ruoff would like to move the wall because of the position of his home. Selectman Fiala asked how large of an opening is authorized and it was stated that 20 feet was authorized.

**Selectman Fiala moved, Vice Chairman Methot seconded to authorize the break in the stone wall located at tax map 411-161 on General Knox Road. Passed 5-0-0.**

**6. TOWN ADMINISTRATOR SEARCH COMMITTEE DISCUSSION** – Terry Knowles reminded the Board that back in July they decided to convene the Town Administrator Search Committee to help professionalize the management in town. The charge for the Committee was to provide a job description, the Board was looking for a background in finance for the Administrator, create a want ad, interview potential candidates, and provide the Board with 3 candidates. Mr. Dick Butt drafted an organizational chart with the most important position being that of Town Administrator, and they chose to focus their efforts on that and then that candidate could then decide whether they want to have the Finance be part of their responsibilities. The main importance of this person is they will work under the supervision of the BOS. They would like the Town Administrator to have the ability to have information readily available as to the latest finance updates. Mrs. Knowles stated this position would include a strong Human Resource piece, someone who understands personnel, who could inspire employees, someone who can get along with people and be diplomatic, understand the Town of Weare, have a bachelor's degree in science and five years experience in municipal leadership. The salary range they had researched at the Local Government Center would depend on the candidate's qualifications. Mrs. Knowles informed the Board they are looking for a lot and feel that the salary range \$59,500 to \$71,500 is justifiable. The Town Administrator Search Committee feels this individual should be given a vehicle and feels that this would be more cost effective rather than an allowance on fuel. The Committee will be visiting other towns and Town Administrators along with the Local Government Center for further information.

The Committee would like another meeting to make sure that everything is final before posting the position. They hope to hire the candidate by the first of the year. Chairman Buono was very impressed with the efforts from the Committee and is very pleased with the qualifications needed to acquire someone who is professional for this position. Selectman Kurk asked if they can get a sense of the candidates writing skills. Mrs. Knowles said they will make sure the candidates are great communicators verbally and written.

Mr. Dick Butt said they discussed that it would be a good idea when they get down to the final 3 candidates to offer someone to give the individuals a tour of the town of Weare. They would like to be on the schedule for the 17<sup>th</sup> of October at 7:30 p.m. Selectman Fiala would like to see stability with town employees. The Committee does feel they need to invest in the town employees to promote and keep the employees with the town. Mrs.

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Knowles said the average length of a Town Administrator in the state is 3-5 years. Salary is important. Mrs. Knowles stated the support for this Town Administrator has to come from the BOS to help ensure the Town Administrator stays with the town.

**7. RECREATION DIRECTOR POSITION DISCUSSION** – Mr. Chuck Metcalf said this item has been discussed in the past; currently it is an hourly salary with no limitations on the hours. Chairman Buono would like to look into making this a stipend position and wants to know if they can move forward. Mr. Metcalf stated they have not yet put down on paper what they expect the Director to do. Chairman Buono asked if this is something that can be done soon. Mr. Metcalf responded the major responsibilities could be drafted soon, not sure how to set the stipend because the list might be added to quite frequently. Chairman Buono said the position seems to be getting away from what was originally set and the wage line keeps getting higher and higher and said there is no concrete description of what this position entails. They discussed fertilization and if it could be hired out, and Mr. Metcalf said it is cheaper to have Mr. Blouin do it at his hourly wage. Selectman Fiala said if we hire someone to do a job and we decide not to use them anymore then we are defeating the purpose of the bid. Mr. Metcalf informed the Board with an hourly rate it works because if the commission keeps tacking things onto his list he gets compensated hourly. Mr. Metcalf said the commission is volunteers and if something comes up then someone needs to take care of it. Selectman Kurk said she is not hearing a clear vision of the position of the Director or the volunteers. Selectman Kurk said this position has evolved from someone who would take care of Chase Park to someone to do all the jobs. Chairman Buono asked if they contacted other towns to see what their job description for the Director consisted of. Selectman Kurk said whether they continue with an hourly salary or go with a stipend they should have a job description for this position. Chairman Buono said she was in favor of a stipend because it helps keep the budget in check and doesn't want too much time to go by in deciding because they are going into budget season. Mr. Metcalf said there are odd things that come up and fears if there is a stipend and things keep piling up on the individual then things are not right. Selectman Kurk said most things can be projected as to the duties of this Director. Mr. Metcalf said the big things are projected but it is all the unexpected things that come up. Chairman Buono said in other towns different volunteers have different responsibilities and areas to take care of. Selectman Kurk said maybe all the volunteers on the commission might not know what needs to be done and maybe if there was a schedule of things for them to do they could pitch in more. Chairman Buono said it is her personal goal to have this position stipend, she is unsure of the rest of the Boards wishes. Selectman Fiala said a stipend is ok with him but there needs to be a job description listed and wants the Director to get compensated fairly. PARC commission as a whole is not against a stipend as long as it is fairly set up then they were not opposed. Selectman Kurk would appreciate if Mr. Blouin would put together a list of the things he does, and check with other towns to see if the responsibilities of their Directors are stipend or hourly. It was discussed that the possibility of a stipend might not work but it needs to be looked at. Selectman Kurk supports the concept of looking at this position as a stipend. The Commission meets again on October 11, and they will discuss the matter. Selectman Fiala questioned the skate board park, school plans on moving it, maybe a fundraiser would help rebuild it. Discussed that the BOS would meet with PARC on October 25 at 6:30 - this will be confirmed.

Discussion regarding Trick or Treat. Chief Begin would like to have Trick or Treat on October 31 from 6:00 - 8:00pm. PARC will be hosting a Halloween party on Sunday, October 30, from 12:00 – 2:00pm.

The Board discussed lawn care contracts and whether they will be bidding on the same scope of work that was made for this year. Chief Begin stated the contracts have gone out and they can choose one piece, or the whole package. Chief Begin will put a package together and have it available. Chuck stated it was a 2 year request and asked that in the future they make some changes to be made down in Bolton Field. Chief Begin asked Mr. Metcalf to get those changes to him now so they could be incorporated into the contract.

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### 8. MANIFESTS

**Chairman Buono moved, Vice Chair Methot seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated September 22, 2005. Passed 5-0-0.**

Accounts payable	\$7,221.94
Gross Payrolls	<u>\$28,572.48</u>
Total	\$35,794.42

**Selectman Kurk moved, Selectman Fiala seconded to appoint Susan Morin as an alternate to the Library Trustees for a 3 year term. Passed 4-0-0.**

Selectman Kurk asked where the appointees get sworn in. Chairman Buono said an appointee can go to Evelyn Connor or they can be sworn in by a Board Member. Chairman Buono said that she would like to move forward from this point and when someone gets appointed from now on to have them sworn in.

Chairman Buono informed the Board there was a Proclamation to sign; resident Alice Flint will be turning 100 on September 30, 2005.

It was discussed that the work was completed on the Safety Complex.

### 9. ADMINISTRATIVE REPORT

Chief Begin stated things are going well and contracts went out for oil prices.

Chief Begin informed the Board the Town Hall employees as well as the employees of the Highway Department will meet with Aflac.

It was discussed that Department's are trying to get their budgets together but it is hard to determine fuel and propane.

Selectman Fiala asked about a Coffee Hour date. Chief Begin said it should be held at the Safety Complex and they can entertain tours of the Safety Complex and team up with Chief Richards as well. Possible dates, Wednesday, October 19; Thursday, October 20; Wednesday, October 26, 2005 6:00 – 8:00p.m.

**Selectman Kurk moved, Selectman Osborne seconded to have the Chairman sign the Certificate to authorize Local Government Center to take over Cobra and Retirement. Passed 4-0-0.**

Selectman Kurk asked the Board about having Tina Laramée do some of the work Avitar had done in the past. Chief Begin said he left a message with Local Government Center and he will get back to them.

It was discussed the Mason and Rich Audit Review will be scheduled for the next meeting.

Selectman Kurk mentioned the apple tree by the Town Offices. Apparently in was written that people weren't allowed to pick them. It was discussed that staff could pick the apples for their own use.

Selectman Kurk mentioned the Town Office Building windows and her discussion with Malcolm Wright that the windows need to be taken care of and should take high priority. Mr. Wright received an estimate last year for the windows from Chicone Construction which was submitted to Bob Christensen for a feasibility study in the amount of \$18,995 for all the windows in the Town Office Building. CIP subcommittee is working hard to

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put together something substantial with other departments, and it fall at this time on the BOS to deal with town buildings.

It was discussed there needs to be a 10 year plan in place for maintenance of the Town Office Building. It was determined that there should be a work session held with Malcolm Wright to determine a plan.

Selectman Kurk informed the Board the Town Hall usage was still causing some problems. It was discussed there are forms that renters need to fill out and a checklist of things that needs to be done. The Board discussed who needs to check to see if the rules are followed and clean ups are done. It was discussed that if Merry Rice is responsible for giving out the keys then there should be no other keys given out by other people. Selectman Fiala asked if it was possible to have Malcolm Wright stop by there every morning. Chief Begin will discuss this with Malcolm Wright.

Mr. Dick Butt would like to clarify something stated earlier this evening. Spoke with Chief Begin earlier about the rotation of vehicles to the town office. The rotation process in place didn't include this plan and maybe it needs to be changed. Mr. Butt said the statement made by the Board regarding purchasing a vehicle in 2006 was made before the subcommittee and this situation arised.

**Chairman Buono moved, to adjourn, Selectman Kurk seconded. Passed 4-0-0.**

## **10. ADJOURNMENT**

A True Record.

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Cherry Palmisano, Recording Secretary